

**PHARMACY EXAMINING BOARD  
MINUTES  
MADISON, WI  
August 20, 2002**

**PRESENT:** Cynthia Benning, R.Ph.; Michael Bettiga, R.Ph.; John Bohlman, R.Ph.; Georgina Forbes, Dan Luce, R.Ph.; Charlotte Rasmussen, and Susan Sutter, R.Ph.

**STAFF PRESENT:** Deanna Zychowski, Bureau Director; William Black, Legal Counsel; Gina York, Program Assistant; and Division of Enforcement staff for portions of the meeting.

**GUESTS:** Jamie Statz-Paynter, Dean Pharmacy; Carol Petersen, Women's International Pharmacy; Greg Primuth, Walgreens; Grace Chen, Walgreens; Tom Engels, PSW; Mark Zawaska, Oconomowoc.

**CALL TO ORDER**

Sue Sutter, Chair, called the meeting to order at 9:10 a.m. A quorum of seven members was present.

**AGENDA**

**Additions/Changes to the Agenda**

- ◆ Item H. - add a second Variance Request for Streu's Pharmacy
- ◆ Item M. — Kris Hendrickson will review handout with the Board

**MOTION:** Charlotte Rasmussen moved, seconded by Dan Luce, to approve the agenda as amended. Motion carried unanimously.

**SECRETARY OSCAR HERRERA**

Secretary Oscar Herrera provided an update to the Board regarding the Budget Advisory Committee's first meeting. Mr. Herrera would like each Board considering improvements to also consider the fiscal impact and the amount of Department resources it would require. All Boards should discuss improvement options with the Mr. Herrera's office prior to taking action.

**MINUTES OF July 9, 2002**

**Corrections to the Minutes**

- ◆ Section "Guests" — change company name "Merck-Meco" to "Merck-Medco".
- ◆ Section "Review of Formal Pharmacy Application Forms" delete "a new draft of".
- ◆ Section "Adjourn to Closed Session" — change "John Bettiga" to "Michael Bettiga".
- ◆ Section "Mary T. Sharata"- change in motion "matter of Mary Sharata" to "matter of Solutions Pharmacy".

**MOTION:** Michael Bettiga moved, seconded by John Bohlman, to approve the minutes of July 9, 2002, as amended. Motion carried unanimously.

## **PROPOSED STIPULATION**

### **Phillips Health Care Center Pharmacy and Patrick J. Collins**

Attorney Jim Harris presented information to the Board regarding the proposed stipulation case in the matter of Phillips Health Care Center Pharmacy and Patrick J. Collins. Information provided will be considered during the Board's deliberation in closed session.

## **SUMMARY REPORT ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES**

A handout of pending cases was distributed. There was a short discussion regarding the Women's International Pharmacy case and further deliberation will take place during the Board's closed session.

### **WI STATUTES AND ADMINISTRATIVE RULES**

#### **WI ADMINISTRATIVE CODE, PHARM .7.05 (SCOPE STATEMENT TO AMEND)**

There was a lengthy discussion by the Board and further clarification of the language is needed to address manual systems verses computerized systems.

**MOTION:** Cynthia Benning moved, seconded by Dan Luce, to modify the scope statement to clarify language between manual and computerized systems. Motion carried unanimously.

#### **WI ADMINISTRATIVE CODE, PHARM 2.02 (SCOPE STATEMENT TO REPEAL)**

The Board reviewed the Scope Statement. States can no longer require photographs of applicants who are seeking licensure.

**MOTION:** John Bohlman moved, seconded by Michael Bettiga, to approve the scope statement. Motion carried unanimously.

### **CENTRAL FILL**

Attorney William Black reviewed with the Board the central fill revisions to the language being proposed. After a lengthy discussion on terminology and additional changes to be made the Board would like to move ahead with these language revisions.

**MOTION:** Cynthia Benning moved, seconded by Michael Bettiga, to accept the revisions to the language as discussed with a final review by Mr. Bettiga prior to going to the Clearing House. Motion carried unanimously.

### **REPACKING GUIDELINES**

The Board reviewed an e-mail correspondence regarding the repacking/relabeling of drugs. After much discussion the Board decided to put an article in the Regulatory Digest relating to this subject.

## **OXYGEN UPDATE FROM WILLIAM BLACK**

Attorney William Black presented the dispensing and delivering of oxygen issue before the Respiratory Care Practitioner's Council, which met on July 29, 2002. Mr. Black shared with the Board information regarding the Council's discussion. The Board would like to pursue a statute to rectify this problematic area.

**MOTION:** Cynthia Benning moved, seconded by Michael Bettiga, to pursue a statute change to allow RT's to dispense oxygen without the involvement of a pharmacist. Motion carried unanimously.

## **DISCUSSION OF DISCIPLINARY OPTIONS UNDER 450.10**

Attorney William Black discussed at length the Board's authority and allowances under the current Wis. Statutes 450.10 (2). The Board has the discretion to implement discipline as they feel appropriate according to the factors involved in each individual case.

## **ADMINISTRATIVE WARNINGS AND PROCEDURES**

The Board discussed with Attorney William Black the Administrative Warning Procedures. It was clarified that an Administrative Warning can not be issued twice for the same violation to the same credential holder.

## **VARIANCE REQUESTS**

### **STREU'S PHARMACY (GREEN BAY)**

The Board reviewed and considered the Variance Requests by Streu's Pharmacy. The Board directed legal counsel to obtain more information on variance for no compounding equipment and the technician ratio.

### **AGNESIAN HEALTHCARE (FOND DU LAC)**

The Board requested more information on variance for no compounding equipment and the technician ration before making a decision. Attorney William Black will follow up on this request.

### **METZ MEDICAL, INC. (KENOSHA)**

No variance is needed regarding store hours. Legal counsel will advise them on procedures regarding managing pharmacist's duties.

## **DISTRIBUTOR'S APPLICATION REVIEWS**

### **NCS HEALTHCARE OF ILLINOIS, INC.**

The Board reviewed the application for a distributor's license for NCS HealthCare of Illinois, Inc.

**MOTION:** John Bohlman moved, seconded by Charlotte Rasmussen, to grant NCS HealthCare of Illinois, Inc. a distributor's license and ask them if they have been distributing in Wisconsin. Motion carried unanimously.

#### **OWNES AND MINOR**

The Board reviewed the application for a distributor's license for Owens and Minor.

**MOTION:** Michael Bettiga moved, seconded by Dan Luce, to grant Ownes and Minor a distributor's license. Motion carried unanimously.

#### **PRACTICE QUESTIONS**

The Board reviewed the practice questions and directed legal counsel to respond.

#### **REVIEW OF FORMAL PHARMACY APPLICATION FORMS**

Kris Hendrickson met briefly with the Board and reviewed a new draft of the current application and licensure forms.

This has been tabled to the September Board Meeting. The Board members will do an in-depth review of these materials prior to the September meeting to discuss any further revisions and/or recommendations. The Board would like to invite Dr. Barbara Showers to attend the next meeting.

#### **RESOLUTIONS NABP MEETING**

Informational Item.

There is a NABP, District 4 Meeting coming up and the Board would like representation at this meeting.

**MOTION:** Michael Bettiga moved, seconded by Cynthia Benning, to recommend Dan Luce as the representative to the NABP, District 4 meeting. Motion carried unanimously.

#### **FDA GUIDANCE ON PHARMACY COMPOUNDING**

Informational Item.

#### **REVIEW OF PROPOSED BOARD PRESS RELEASE RELATING TO PRESCRIPTION DRUGS**

A memo from Susan Sutter, Board Chair to Secretary Herrera regarding a possible press release concerning the Coalition of Wisconsin Aging Groups' and Canadian Pharmacies. There was a lengthy discussion by the Board on the key points identified in Ms. Sutter's correspondence and best way to address these concerns.

**MOTION:** Charlotte Rasmussen moved, seconded by Cynthia Benning, to send a letter to Mr. Fraizer with a carbon copy to the United States Health and

Human Services Secretary, Tommy Thompson. Motion carried unanimously.

## **REPORT ON CONTROLLED SUBSTANCES BOARD**

Cynthia Benning shared an update on the Controlled Substance Board's activities last month.

## **ADJOURN TO CLOSED SESSION**

**MOTION:** Dan Luce moved, seconded by Michael Bettiga, to allow Mark Zwaska to observe the Closed Session. Motion carried unanimously.

**MOTION:** Michael Bettiga moved, seconded by Charlotte Rasmussen, to adjourn to closed session pursuant to Wisconsin State Statutes 19.85(1)(a)(b)(f) and (g), to review applications; deliberate on requests for stay of suspensions, modification of orders, reinstatements of stay of suspensions, proposed stipulations, case closings, and administrative warnings; review exam issues; and, consult with Legal Counsel. Roll Call Vote: Charlotte Rasmussen-yes; John Bohlman-yes; Michael Bettiga-yes; Dan Luce-yes; Cynthia Benning-yes; Georgina Forbes-yes; Susan Sutter-yes. Motion carried unanimously.

Open session recessed at 12:45 p.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Charlotte Rasmussen moved, seconded by Michael Bettiga, to reconvene the meeting into Open Session at 3:05 p.m. Motion carried unanimously.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

### **STIPULATIONS**

#### **PHILLIPS HEALTH CARE CENTER PHARMACY AND PATRICK J. COLLINS, R.Ph.**

**MOTION:** Michael Bettiga moved, seconded by Cynthia Benning, to reject the Stipulation in the matter of Patrick J. Collins and Phillips Health Care Center Pharmacy. John Bohlman abstained. Motion carried.

## **REQUESTS RELATING TO STAYS OF SUSPENSIONS AND/OR MODIFICATIONS**

### **ROGER IVERSON R.Ph.**

**MOTION:** Michael Bettiga moved, seconded by Dan Luce, to grant Roger Iverson a three-month stay of suspension. Motion carried unanimously.

### **DAVID KLIENGARTNER, R.Ph.**

**MOTION:** Dan Luce moved, seconded by Michael Bettiga, to grant David Kliengartner a three-month stay of suspension with modifications. Mr. Kliengartner will be allowed to increase his work schedule by an additional eight hours per week and to reduce therapy to once every sixty days. Motion carried unanimously.

**JANET KRUEGER, R.Ph.**

**MOTION:** Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant Janet Krueger a three-month stay of suspension and deny the modification to reduce therapy. Motion carried unanimously.

**MARILYN KUHRT, R.Ph.**

**MOTION:** Cynthia Benning moved, seconded by Michael Bettiga, to grant Marilyn Kuhrt a three-month stay of suspension. Motion carried unanimously.

**DONALD LEETZ, R.Ph.**

**MOTION:** Cynthia Benning moved, seconded by Michael Bettiga, to grant Donald Leetz a three-month stay of suspension and deny modification to reduce therapy. Motion carried unanimously.

**LANCE LUNDSTAD, R.Ph.**

**MOTION:** Michael Bettiga moved, seconded by Cynthia Benning, to grant Lance Lundstad a three-month stay of suspension. Motion carried unanimously.

**APPLICATION REVIEW**

**ANJA HAMIDOVIC, R. Ph.**

**MOTION:** Michael Bettiga moved, seconded by Cynthia Benning, to allow applicant Ms. Anja Hamidovic to retake the MPJE examination. Motion carried unanimously.

**REQUEST FOR A RE-HEARING**

**WALLACE L. SIMMONS, R.Ph.**

**CAROL L. PETERSON, R.Ph. AND**

**WOMEN'S INTERNATIONAL PHARMACY**

**MOTION:** Dan Luce moved, seconded by Michael Bettiga, to deny Wallace Simmons; Carol Peterson and Women's International Pharmacy the request for a re-hearing. John Bohlman and Cynthia Benning were not present during this deliberation. Motion carried.

**REVIEW REQUESTS FOR STAY IMPOSITION OF ASSESSED COST, FINES, FEES, FORFIETURE, REPRIMANDS AND OTHER SANCTIONS**

**WALLACE L. SIMMONS, R.Ph.  
CAROL L. PETERSON, R.Ph. AND  
WOMEN'S INTERNATIONAL PHARMACY**

**MOTION:** Dan Luce moved, seconded by Michael Bettiga, to deny Wallace Simmons; Carol Peterson and Women's International Pharmacy the petition for a stay imposition of assessed cost, fines, fees, forfeitures, reprimands, or other sanctions. John Bohlman and Cynthia Benning were not present during this deliberation. Motion carried.

**REVIEW OF POLICY AND ERROR REPORT AND APPROVAL OF COURSE**

**JEFFREY LANGFORD, R. Ph.**

The material submitted to the Board does not qualify as a policy and procedure. DOE will do a follow up letter to Mr. Langford. The Board reviewed and took action on the course information submitted.

**MOTION:** John Bohlman moved, seconded by Georgina Forbes, to approve the continued education course for Jeffrey Langford. Motion carried unanimously.

**POSSIBLE BOARD ORDER VIOALATIONS**

**CHARLENE WILLIS, R. Ph.**

No action was needed by the Board.

**ADMINISTRATIVE WARNING**

**CASE 01 PHM 079**

**MOTION:** Michael Bettiga moved, seconded by Dan Luce, to issue an administrative warning in the matter concerning Nina A. Renerio, R.Ph. Motion carried unanimously.

**DIVIS1ON OF ENFORCEMENT - CASE STATUS REPORT**

**MOTION:** Charlotte Rasmussen moved, seconded by Georgina Forbes, to close Case 02 PHM 027 for insufficient evidence. Motion carried unanimously.

**MOTION:** Cynthia Benning moved, seconded by Charlotte Rasmussen, to close the case on 02 PHM 032. Motion carried unanimously

**MOTION:** Charlotte Rasmussen moved, seconded by Dan Luce, to close Case 02 PHM 040 for compliance gained. Motion carried unanimously.

**MOTION:** Dan Luce moved, seconded by John Bohlman, to close Case 02 PHM 012 for prosecutorial discretion. Motion carried unanimously.

## **REPORT REVIEWS & COMPLETION OF BOARD ORDERS**

Noted.

### **EXAMINATION ISSUES**

Casey Brown presented before the Board the current examination schedule. The Board discussed and will explore the possibility of changing the rule regarding application time limits prior to taking the examination.

**MOTION:** John Bohlman moved, seconded by Cynthia Benning, to validate the exam results. Motion carried unanimously.

### **MEETING AND EXAMINATION DATES FOR 2003**

There was further discussion regarding the June dates identified at the last meeting. Casey Brown shared information regarding examinations and their scheduling with the Board. A final decision was made by the Board to keep the June 24-25, 2003 dates as chosen.

### **REGULATORY DIGEST**

Susan Sutter is preparing articles for the Regulatory Digest.

### **INFORMATIONAL ISSUES**

The Board noted the information items. The Board Roster was circulated during the meeting for members to review current information and update where necessary.

### **ADJOURNMENT**

**MOTION:** Michael Bettiga moved, seconded by John Bohlman, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 4:10 p.m.

The screening committee will meet immediately following the Board meeting.